

REMARKS

Applicant has carefully considered the rejections made in the non-final Office Action mailed February 4, 2009 (the "Office Action"). Claims 8, 21, and 24 have been amended, and support for these amendments can be found at least in paragraphs [0001], [0022] - [0023], [0031], [0037], [0038], and [0045] of the published subject application.

Claims 8-26 are pending in this application and stand rejected. Applicant respectfully submits that in view of the amendments made and the remarks that follow, the application is in condition for allowance. Applicant earnestly solicits the Examiner for a Notice of Allowance.

Applicant notes that the Office Action Summary indicates that claims 22 and 26 are rejected. However, the Detailed Summary does not make any reference to the rejection of either of claims 22 or 26. Accordingly, applicant cannot address any rejection of claims 22 or 26. Therefore, applicant respectfully requests allowance of these claims or, in the alternative, applicant requests that the Office provide the basis for any rejection of claims 22 and 26 so that applicant can properly respond to the same.

I. Claims 8-20

Applicant respectfully traverses the Office Action's rejection of claims 8-20 under 35 U.S.C. § 103(a) as being unpatentable over Terrier (U.S. Patent No. 6,219,613) in view of Weinstein (U.S. Patent No. 5,170,172).

A. Terrier is quite different from and unlike the claimed invention.

Unlike the claimed invention and as the Office Action correctly notes on page 3 thereof, Terrier does not teach comparing a first electromagnetic characteristic to a second electromagnetic characteristic. Rather, Terrier teaches comparing the number of signals each antenna receives from a particular transponder during a sampling time to determine the location of a vehicle. See Terrier, col. 6, ll. 32-36. Claims 8-20 require that the first and second characteristics are in a "single radio-electrical signal." However, Terrier teaches the comparison of multiple signals instead of characteristics of a single signal. This is quite different from and unlike the claimed method.

Claims 8-20 also require “measuring” the first and second characteristics of the single signal. The antennas in Terrier receive signals from a transponder, but, as explained above, they only compare the number of signals each antenna receives from the transponder. There is no measuring of any characteristic of the signals received from the transponders.

Terrier also does not teach determining if a signal comes from “a near-field zone or a far-field zone.” Rather, in Terrier, each of the antennas of the toll has a coverage zone defined by an elliptical area, and if a transponder is present inside one of the elliptical areas, a signal is received by the antenna and a gate associated with the toll is opened. See Terrier, col. 9, ll. 3-6. However, if there is no transponder present inside one of the elliptical areas, the antennas do not receive any signals. See Terrier, col. 3, ln. 64 – col. 4, ln. 5. That is, the antennas only receive signals from one area. If the transponder is not in that area—the elliptical area—then the antennas do not receive a signal and therefore cannot determine its zone of origin.

Furthermore, claim 8 requires that the near-field zone is “a zone substantially immediately proximate to the command receiver.” As seen in FIG. 1 of Terrier, the elliptical areas are substantially removed from the antennas and so are not substantially immediately proximate to the antennas.

For at least these reasons, applicant respectfully submits that Terrier is quite different from unlike the claimed invention.

B. Weinstein does not make up for the deficiencies of Terrier.

Weinstein does not make up for at least the deficiencies of Terrier discussed above. For example, like Terrier, Weinstein also does not teach at least comparing first and second characteristics of a single signal received by the command receiver to determine a transmission zone of the remote control.

Rather, Weinstein teaches a method of monitoring a distance by calculating a composite field strength from the vectorial sums of signals received from multiple antennas. The composite field strength is compared to a predetermined threshold value to determine whether the monitored distance is a “safe zone,” a “warning zone,” or “a shock zone.” See Weinstein, Abstract and col. 5, ln. 66 – col 6, ln. 13. This is quite

different from unlike the claimed invention and does not make up for the deficiencies of Terrier.

C. Claims 8-20 are not obvious

For at least these reasons, applicant respectfully submits that claims 8-20 are not obvious over Terrier in view of Weinstein. Therefore, applicant respectfully requests allowance of these claims.

II. Claims 21 and 23

Applicant respectfully traverses the Office Action's rejection of claims 21 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Terrier in view of Weinstein.

A. Terrier is quite different from and unlike the claimed invention.

Unlike the claimed invention and as the Office Action correctly notes on page 4 thereof, Terrier does not teach coil-type antennas. However, Terrier also does not teach "comparing first and second characteristics of the single radio-electrical signal to determine whether a transmission zone of the radio-electrical signal is a near-field zone or a far-field zone." Rather, Terrier teaches comparing the number of signals each antenna receives from a particular transponder during a sampling time to determine the location of a vehicle. See Terrier, col. 6, ll. 32-36.

Furthermore, claims 21 and 23 require a receiving only a "single radio-electrical signal." However, Terrier requires the comparison of multiple signals. This is quite different from unlike the claimed device.

Terrier also does not teach determining if a signal comes from "a near-field zone or a far-field zone." Rather, in Terrier, each of the antennas of the toll has a coverage zone defined by an elliptical area, and if a transponder is present inside one of the elliptical areas, a signal is received by the antenna and a gate associated with the toll is opened. See Terrier, col. 9, ll. 3-6. However, if there is no transponder present inside one of the elliptical areas, the antennas do not receive any signals. See Terrier, col. 3, ln. 64 – col. 4, ln. 5. That is, the antennas only receive signals from one area. If the

transponder is not in that area—the elliptical area—then the antennas do not receive a signal and therefore cannot determine its zone of origin.

For at least these reasons, applicant respectfully submits that Terrier is quite different from unlike the claimed invention.

B. Weinstein does not make up for the deficiencies of Terrier.

Weinstein does not make up for at least the deficiencies of Terrier discussed above. For example, like Terrier, Weinstein also does not teach at least comparing first and second characteristics of a single signal received by the command receiver to determine a transmission zone of the remote control.

Rather, Weinstein teaches a method of monitoring a distance by calculating a composite field strength from the vectorial sums of signals received from multiple antennas. The composite field strength is compared to a predetermined threshold value to determine whether the monitored distance is a “safe zone,” a “warning zone,” or “a shock zone.” See Weinstein, Abstract and col. 5, ln. 66 – col 6, ln. 13. This is quite different from unlike the claimed invention and does not make up for the deficiencies of Terrier.

C. Claims 21 and 23 are not obvious

For at least these reasons, applicant respectfully submits that claims 21 and 23 are not obvious over Terrier in view of Weinstein. Therefore, applicant respectfully requests allowance of these claims.

III. Claims 24 and 25

Applicant respectfully traverses the Office Action’s rejection of claims 24 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Terrier in view of Shattil (U.S. Patent No. 6,208,135).

A. Terrier is quite different from unlike the claimed invention.

The Office Action correctly notes on page 5 thereof that Terrier does not teach the use of an auxiliary antenna. However, applicant respectfully notes that claim 24 does

not require an auxiliary antenna. Regardless, Terrier also does not teach “comparing first and second characteristics of the single radio-electrical signal to determine whether a transmission zone of the radio-electrical signal is a near-field zone or a far-field zone.” Rather, Terrier teaches determining comparing the number of signals each antenna receives from a particular transponder during a sampling time to determine the location of a vehicle. See Terrier, col. 6, ll. 32-36.

Furthermore, claims 24 and 25 require receiving only a “single radio-electrical signal.” However, Terrier requires the comparison of multiple signals to determine position. This is quite different from unlike the claimed device.

Terrier also does not teach determining if a signal comes from “a near-field zone or a far-field zone.” Rather, in Terrier, each of the antennas of the toll has a coverage zone defined by an elliptical area, and if a transponder is present inside one of the elliptical areas, a signal is received by the antenna and a gate associated with the toll is opened. See Terrier, col. 9, ll. 3-6. However, if there is no transponder present inside one of the elliptical areas, the antennas do not receive any signals. See Terrier, col. 3, ln. 64 – col. 4, ln. 5. That is, the antennas only receive signals from one area. If the transponder is not in that area—the elliptical area—then the antennas do not receive a signal and therefore cannot determine its zone of origin.

For at least these reasons, applicant respectfully submits that Terrier is quite different from unlike the claimed invention.

B. Shattil does not make up for the deficiencies of Terrier.

Shattil does not make up for at least the deficiencies of Terrier discussed above. Rather, Shattil was cited by the Office Action merely for the teaching of an auxiliary antenna. Nothing in Shattil teaches, suggests, or discloses comparing first and second characteristics of a single radio-electrical signal to determine whether a transmission zone of the radio-electrical signal is a near-field zone or a far-field zone. Therefore, Shattil does not make up for the deficiencies of Terrier.

C. Claims 24 and 25 are not obvious

For at least these reasons, applicant respectfully submits that claims 24 and 25 are not obvious over Terrier in view of Weinstein. Therefore, applicant respectfully requests allowance of these claims.

IV. Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and respectfully requests allowance of the application. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution hereof, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, such as a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,

Dated: May 4, 2009

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